

Mieles, Janette

From: Mcchesney, Dennis
Sent: Friday, August 18, 2017 1:26 PM
To: Taylor, Karen
Subject: RE: Reglamento TAS Español-Inglés

I looked up the legal definition of “holder” not too helpful. Do you think that an owner could wiggle out of responsibility for a release using this rule?

Holder

*An individual who has lawfully received possession of a **Commercial Paper**, such as a check, and who is entitled to payment on such instrument.*

A holder is distinguishable from a holder in due course since, in addition to possession of the instrument, the latter takes it for value, in **Good Faith**, and in the absence of any notice that there is any claim against it or that it is overdue or has been dishonored, which means that payment of it has been refused.

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holder

n. a general term for anyone in possession of property, but usually referring to anyone holding a promissory note, check, bond or other paper, either handed to the holder (delivery) or signed over by endorsement, for which he/she/it is entitled to receive payment as stated in the document. (See: **check**, **bill of exchange**, **promissory note**, **bona fide purchaser**, **endorsement**, **holder in due course**)

Dennis J. McChesney, Ph.D., MBA
UST/LUST Regional Program Manager
U.S. EPA Region 2
290 Broadway
New York, NY 10007-1866
Voice (212) 637- 4232
Fax (212) 637- 4211

From: Taylor, Karen
Sent: Friday, August 18, 2017 12:09 PM
To: Mcchesney, Dennis
Subject: RE: Reglamento TAS Español-Inglés

Is sounds like an out for someone or an institution that acquires the gas station, but does not operate. For instance, a bank that takes the property on default.

From: Mcchesney, Dennis
Sent: Friday, August 18, 2017 10:44 AM
To: Taylor, Karen <Taylor.Karen@epa.gov>
Subject: RE: Reglamento TAS Español-Inglés

Hi Karen – what do you make of this rule?

RULE 883. OWNERSHIP OF AN UNDERGROUND STORAGE TANK OR UNDERGROUND STORAGE TANK SYSTEM OR FACILITY OR PROPERTY ON WHICH AN UNDERGROUND STORAGE TANK OR UNDERGROUND STORAGE TANK SYSTEM IS LOCATED.

- A. Ownership of an UST or UST System or facility or property on which an UST or UST System is located. A holder is not an "owner" of a petroleum UST or UST System or facility or property on which a petroleum UST or UST System is located for purposes of compliance with the UST technical standards as defined in Rule 807, the UST corrective action requirements under Rule 838 through Rule 849, and the UST financial responsibility requirements under Rule 863 through Rule 877, provided the person:
- B. Does not participate in the management of the UST or UST System as defined in Rule 807; and
- C. Does not engage in petroleum production, refining, and marketing as defined in Rule 807.

Dennis J. McChesney, Ph.D., MBA
UST/LUST Regional Program Manager
U.S. EPA Region 2
290 Broadway
New York, NY 10007-1866
Voice (212) 637- 4232
Fax (212) 637- 4211

From: Taylor, Karen
Sent: Wednesday, August 16, 2017 4:08 PM
To: Mcchesney, Dennis <McChesney.Dennis@epa.gov>
Cc: Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: RE: Reglamento TAS Español-Inglés

Mainly two comments to pass along:

Part II RULE 807. DEFINITIONS AND ABBREVIATIONS should be under Part I, similar to Subpart A § 280.12 Definitions. The revision seems to consolidate the Part 280 definition sections into one definition section, so Part I Scope is a better location than Part II Field-Constructed Tanks.

Paragraph number changes made RULE 867. FINANCIAL TEST OF SELF-INSURANCE out of sync with § 280.95 Financial test of self-insurance. See comment.

Otherwise, October 13, 2015 and April 11, 2016 dates changed to "effective date of this Regulation" but not consistently throughout the document.

Karen L. Taylor
Office of Regional Counsel
USEPA - Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
phone: 212-637-3637
email: Taylor.Karen@epa.gov

Note that this message may contain privileged material, including attorney-client or attorney work product. If you inadvertently received this email, please contact Karen Taylor at the address above.

From: Mcchesney, Dennis
Sent: Monday, August 14, 2017 10:33 AM
To: Sawyer, William <Sawyer.William@epa.gov>; Taylor, Karen <Taylor.Karen@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>; McDermott, Elizabeth <McDermott.Elizabeth@epa.gov>
Subject: FW: Reglamento TAS Español-Inglés

You likely have copies of this but wanted to send you the English and Spanish version. Let me know if you have any questions.

Dennis J. McChesney, Ph.D., MBA
UST/LUST Regional Program Manager
U.S. EPA Region 2
290 Broadway
New York, NY 10007-1866
Voice (212) 637- 4232
Fax (212) 637- 4211

From: Wilmarie Rivera Otero [<mailto:WilmarieRivera@jca.pr.gov>]
Sent: Monday, August 14, 2017 10:28 AM
To: Mcchesney, Dennis <McChesney.Dennis@epa.gov>
Subject: FW: Reglamento TAS Español-Inglés

Good morning Dennis,

Attached please find the English and Spanish version of the revised PREQB UST Regulation.
Thanks.

Wilmarie Rivera Otero
Chief
Underground Storage Tank Division
Water Quality Area
(787) 767-8181 x.3529

